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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-9089-2025

Date of decision: 20.05.2025

Yashdeep

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Ketan Antil, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.369 dated 18.06.2024 (Annexure P-1) under Sections 148/149/302/323/506 of IPC (Section 302 of IPC added later on) registered at Police Station Kundli, Sonapat, Haryana.

Succinctly, the facts of the case are that on 16.06.2024 at around 12:15 A.M., the complainant along with his relative, Akshay, Amit (Akshay's friend) and Anil came on Bus Stand of Village Rasoi in *i20* car and at that time, Sahil, his younger brother Yogesh and 4/5 other young boys were standing near G.T. Road in a Venue Car of black colour. The complainant went to talk to Sahil and in the meantime, Yash, Sahil and other persons started beating him with *danda* and *bitta*. Thereafter, Yash struck Amit with his Venue Car and rode over him with an intention to kill him. It is further alleged that they have started giving beatings to Amit with *danda* and *bitta* and thus, the instant case.

Learned counsel for the petitioner *inter alia* contends that the



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petitioner has been falsely implicated in the present case. In fact the deceased had died in a road side accident and after a delay of two days, the facts were manipulated and petitioner has been falsely implicated. At the best, the case under Section 304-A of IPC is made out and there is no evidence available on record which would remotely suggest that the petitioner was earlier known to the deceased or there is any *mens rea* for committing the alleged crime. The complainant, namely, Kuldeep, has been examined in the present case as PW-1 as well as Akshay Malik as PW-2 and Anil as PW-3. The complainant as well as two other aforementioned eye witnesses have not supported the case of the prosecution and they have been declared hostile. Further, Mahavir-PW-4 has also not supported the case of the prosecution. Another co-accused has been granted the concession of regular bail by the learned trial Court vide Annexures P-7 and P-8 and petitioner is not involved in any other case and he is behind the bars since 08.07.2024.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that the petitioner is the main accused as he ran over the car and killed deceased-Amit and his complicity is duly established during the investigation, as such, he is not entitled to any relief. However, he could not controvert the fact that no other case is pending against the petitioner.

A two Judge Bench of Hon'ble Supreme Court in '***Satender Kumar Antil v. CBI***' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than



2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 08.07.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as only 09 out of 26 prosecution witnesses have been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Yashdeep is ordered to be released on regular bail during

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trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

20.05.2025*Neha*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No